

Legislative Rule-Making Review Committee
Minutes for Friday, October 25, 2019

Senate Judiciary Committee Room
9:00 a.m. to 1:00 p.m.

Senate

Maynard, Chair	Present
Baldwin	
Jeffries	Present
Rucker	Present
Sypolt	Present
Weld	
Carmichael, Nonvoting	

House

Foster, G., Chair	Present
Butler	
Fleischauer	Present
Martin, P.	Present
Rowe	Present
Steele	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Friday, October 25, 2019. The meeting was called to order by the Chair, Senator Maynard. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Max Wilkinson, House Counsel; Arlie Hubbard, House Counsel; James Fuerhoff, Director of Legislative Rule-Making Review Committee; and Beverly Douglas, Committee Clerk.

The first order of business was consideration of the following legislative rules:

1. Max Wilkinson, House Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources, Definitions of Terms Used in All Hunting and Trapping, 58 CSR 46**, and responded to questions from the Committee.

With leave of the committee, Gary Foster, Assistant Chief of Gaming, West Virginia Division of Natural Resources, addressed the committee and responded to questions.

On motion of Delegate Foster, the rule was approved as filed.

2. Max Wilkinson, House Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources, Prohibitions When Hunting and Trapping, 58 CSR 47**, and responded to questions from the Committee.

With leave of the committee, Gary Foster, Assistant Chief of Gaming, West Virginia Division of Natural Resources, addressed the committee and responded to questions.

On motion of Delegate Foster, the rule was approved as filed.

3. Max Wilkinson, House Counsel, explained his abstract on the rule proposed by the **Division of Water and Waste Management, Hazardous Waste Management System, 33 CSR 20**.

With leave of the committee, 33 CSR 20 was laid to the foot of the agenda.

4. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Board of Accountancy, Board Rules and Rules for Professional Conduct, 1 CSR 01.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

On motion of Delegate Foster, the rule was approved as modified.

5. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Department of Administration, Rules for the General Administration of Records Management and Preservation, 148 CSR 12.**

On motion of Delegate Foster, the rule was approved as filed.

6. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Department of Administration, Rules for Retention and Disposal Scheduling, 148 CSR 13,** and responded to questions from the committee.

With leave of the committee, Jennelle Jones, General Counsel, Office of Technology, addressed the committee and responded to questions.

On motion of Delegate Foster, the rule was approved as filed.

7. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Department of Administration, Rules for the Management of Records Maintained by the Records Center, 148 CSR 14,** and responded to questions from the committee.

With leave of the committee, Jennelle Jones, General Counsel, Office of Technology, addressed the committee and responded to questions.

On motion of Delegate Foster, the rule was approved as filed.

8. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Department of Administration, Exemptions from Management Services Provided by the Fleet Management Division, 148 CSR 23.**

On motion of Delegate Foster, the rule was approved as filed.

9. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **State Auditor, Local Government Purchasing Card Program, 155 CSR 06.**

On motion of Delegate Foster, the rule was approved as filed.

10. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Board of Funeral Service Examiners, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 6 CSR 06.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

On motion of Delegate Foster, the rule was approved as modified.

11. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Massage**

Therapy Licensure Board, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 194 CSR 06.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

On motion of Delegate Foster, the rule was approved as modified.

12. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Board of Social Work Examiners, Qualifications for the Profession of Social Work, 25 CSR 01.**

On motion of Delegate Foster, the agency agreed to modifications were adopted.

On motion of Delegate Foster, the rule was approved as modified.

13. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Division of Motor Vehicles, Safety and Treatment Program, 91 CSR 15**, and responded to questions from the committee.

Adam Holley, Acting Commissioner, Division of Motor Vehicles., addressed the committee and responded to questions.

Delegate Rowe moved to amend section 5.1 of the rule. Chairman Maynard put the question of adoption of the amendment before the committee and the motion to amend was rejected.

On motion of Delegate Foster, the agency agreed to modifications were adopted.

On motion of Delegate Foster, the rule was approved as modified.

14. Arlie Hubbard, House Counsel, explained his abstract on the rule proposed by the **Division of Motor Vehicles, State Vehicle Title, Registration and Relicensing Project of 2018, 91 CSR 24.**

On motion of Delegate Foster, the rule was approved as filed.

15. Max Wilkinson, House Counsel, explained his abstract on the rule proposed by the **Division of Water and Waste Management, Hazardous Waste Management System, 33 CSR 20.**

Judy Cooper, Administrative Law Manager, West Virginia Secretary of State's Office, addressed the committee and responded to questions.

Jason Wandling, General Counsel, West Virginia Department of Environmental Protection, addressed the committee and responded to questions.

On motion of Delegate Foster, the rule was approved as filed.

With no further business to come before the Committee, Delegate Foster moved to adjourn. The motion was adopted. The Committee adjourned at approximately 12:30 P.M.